

S.J.R. No. 26

By W. L. Harrison  
W. L. Harrison

A JOINT RESOLUTION

PROPOSING an amendment to Sections 4 and 5 of Article V of the Constitution of the State of Texas to provide for a Court of Criminal Appeals of five members; prescribing their qualifications; elections, appointments, tenure of office and compensation; and prescribing the term of court of said Court.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Section 4 of Article V of the Constitution of the State of Texas be amended so as to hereafter read as follows:

"Sec. 4. The Court of Criminal Appeals shall consist of five judges, one of whom shall be Presiding Judge, a majority of whom shall constitute a quorum, and the concurrence of three Judges shall be necessary to a decision of said Court. Said Judges shall have the same qualifications and receive the same salaries as the Associate Justices of the Supreme Court. They shall be elected by the qualified voters of the State at a general election and shall hold their offices for a term of six years. In case of a vacancy in the office of a Judge of the Court of Criminal Appeals, the Governor shall, with the advice and consent of the Senate, fill said vacancy by appointment until the next succeeding general election.

The Judges of the Court of Criminal Appeals who may be in office at the time when this amendment takes effect shall become Judges of the Court of Criminal Appeals and continue in office until the expiration of the term of office for which each has been elected or appointed under the present Constitution and laws of this State, and until his successor shall have been elected and qualified.

The two members of the Commission of Appeals in aid of the Court of Criminal Appeals who may be in office at the time when this amendment takes effect shall become Judges of the Court of Criminal Appeals and shall hold their offices, one for a term of two years and the other for a term of four years, beginning the first day of January following the adoption of this amendment and until their successors are elected and qualified. Said Judges shall by agreement or otherwise designate the incumbent for each of the terms mentioned.

The Governor shall designate one of the five Judges as Presiding Judge and at the expiration of his term and each six years thereafter a Presiding Judge shall be elected."

Sec. 2. That Section 5 of the Article V of the Constitution of the State of Texas be amended so as to hereafter read as follows:

"Sec. 5. The Court of Criminal Appeals shall have appellate jurisdiction co-extensive with the limits of the State in all criminal cases of whatever grade, with such exceptions and under such regulations as may be prescribed by law.

The Court of Criminal Appeals and the Judges thereof shall have the power to issue the writ of habeas corpus, and under such regulations as may be prescribed by law, issue such writs as may be necessary to enforce its own jurisdiction. The Court of Criminal Appeals shall have power upon affidavit or otherwise to ascertain such matters of fact as may be necessary to the exercise of its jurisdiction.

The Court of Criminal Appeals may sit for the transaction of business at any time from the first Monday in October to the last Saturday in September in each year, at the State Capital.

The Court of Criminal Appeals shall appoint a Clerk of the Court who shall give bond in such manner as is now or may hereafter be required by law, and who shall hold his office for a term of four years unless sooner removed by the Court for good cause entered of record on the minutes of said Court.

The Clerk of the Court of Criminal Appeals who may be in office at the time when this amendment takes effect shall continue in office for the term of his appointment.

Sec. 3. Said proposed Constitutional Amendment shall be submitted to a vote of the qualified electors of this State at an election to be held throughout the State on the first Tuesday after the first Monday in November, A.D. 1966, at which election each voter opposing said proposed amendment shall scratch off the ballot with a pen or pencil the following words printed on said ballot:

"For the amendment to the State Constitution providing for a Court of Criminal Appeals of five members, and prescribing the term of said Court."

Each voter favoring said proposed amendment shall scratch off the ballot in the same manner the following words printed on said ballot:

"Against the amendment to the State Constitution providing for a Court of Criminal Appeals of five members, and prescribing the term of said Court."

If it appears from the returns of said election that a majority of the votes cast are in favor of said amendment the same shall become a part of the Constitution of this State.

Sec. 4. The Governor shall issue the necessary proclamation for said election and have same published and said election shall be held as provided by the Constitution and laws of this State, and the sum of Five Thousand Dollars or so much thereof as is necessary is hereby appropriated out of any funds of the State of Texas not otherwise appropriated to pay for publishing the proclamation and holding said election.

years thereafter a Presiding Judge shall be elected.

The two members of the Commission of Appeals in aid of the Court of Criminal Appeals, who may be in office at the time when this amendment takes effect shall continue in office as Judges for terms commencing the first day of January following the adoption of this amendment and ending with the terms of the Judges serving at the time of the adoption of this amendment and until their successors shall have been elected and qualified. Said Judges shall by agreement or otherwise designate the incumbent for each of the terms mentioned.

"Sec. 2. That Section 5 of Article V of the Constitution of the State of Texas be amended so as to hereafter read as follows:

"Sec. 5. The Court of Criminal Appeals shall have appellate jurisdiction co-extensive with the limits of the State in all criminal cases of whatever grade, with such exceptions and under such regulations as may be prescribed by law.

The Court of Criminal appeals and the Justices thereof shall have the power to issue such writs as may be necessary to enforce its own jurisdiction. The Court of Criminal Appeals shall have power upon affidavit or otherwise to ascertain such matters of fact as may be necessary to the exercise of its jurisdiction, and for no other purpose.

The Court of Criminal Appeals may sit for the transaction of business at any time from the first Monday in October to the last Saturday in September in each year, at the State Capitol. The Court of Criminal Appeals shall appoint a Clerk of the Court who shall give bond in such manner as is now or may hereafter be required by law, and who shall hold his office for a term of four years unless sooner removed by the Court for good cause entered of record on the minutes of said Court."

The Clerk of the Court of Criminal Appeals who may be in office at the time when this amendment takes effect shall continue in office for the term of his appointment.

Sec. 3. Said proposed Constitutional Amendment shall be submitted to a vote of the qualified electors of this State at an election to be held throughout the State on the first Tuesday after the first Monday in November, A. D. 1966, at which election each voter opposing said proposed amendment shall scratch off the ballot with a pen or pencil the following words printed on said ballot:

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"Against the amendment to the State Constitution providing for a Court of Criminal Appeals of five members, and prescribing the term of said Court."

If it appears from the returns of said election that a majority of the votes cast are in favor of said amendment the same shall become a part of the Constitution of this State.

Sec. 4. The Governor shall issue the necessary proclamation for said election and have same published and said election shall be held as provided by the Constitution and laws of this State, and the sum of Five Thousand Dollars or so much thereof as is necessary is hereby appropriated out of any funds of the State of Texas not otherwise appropriated to pay for publishing the proclamation and holding said election.

Austin, Texas

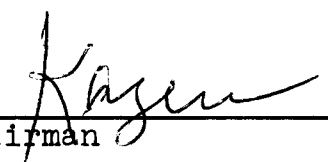
Mar. 31, 1965

Hon. Preston Smith

President of the Senate

Sir:

We, your Committee on Constitutional Amendments,  
SJR  
to whom was referred S. No. 26, have had the same under  
consideration, and we are instructed to report it back to the  
Senate with the recommendation that it do \_\_\_\_\_  
pass \_\_\_\_\_ and be \_\_\_\_\_ printed.

  
\_\_\_\_\_  
Chairman

By: Hightower  
Hardeman

S. J. R. No. 26

A JOINT RESOLUTION

Proposing an Amendment to Sections 4 and 5 of Article V of the Constitution of the State of Texas to provide for a Court of Criminal Appeals of five members; prescribing their qualifications; elections, appointments, tenure of office and compensation; and prescribing the term of court of said court.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Section 4 of Article V of the Constitution of the State of Texas be amended so as to hereafter read as follows:\_\_\_\_\_

"Section 4. The Court of Criminal Appeals shall consist of five Judges, one of whom shall be Presiding Judge, a majority of whom shall constitute a quorum, and the concurrence of three Judges shall be necessary to a decision of said court. Said Judges shall have the same qualifications and receive the same salaries as the Associate Justices of the Supreme Court. They shall be elected by the qualified voters of the state at a general election and shall hold their offices for a term of six years. In case of a vacancy in the office of a Judge of the Court of Criminal Appeals, the Governor shall, with the advice and consent of the Senate, fill said vacancy by appointment until the next succeeding general election.\_\_\_\_\_

"The Judges of the Court of Criminal Appeals who may be in office at the time when this Amendment takes effect shall become Judges of the Court of Criminal Appeals and continue in office until the expiration of the term of office for which each has been elected or appointed under the present Constitution and laws of this state, and until his successor shall have been elected and qualified.

"The two members of the Commission of Appeals in aid of the Court of Criminal Appeals who may be in office at the time when this Amendment takes effect shall become Judges of the Court of Criminal Appeals and shall hold their offices, one for a term of two years and the other for a term of four years, beginning the first day of January following the adoption of this Amendment and until their successors are elected and qualified. Said Judges shall by agreement or otherwise designate the incumbent for each of the terms mentioned.

"The Governor shall designate one of the five Judges as Presiding Judge and at the expiration of his term and each six years thereafter a Presiding Judge shall be elected."

Sec. 2. That Section 5 of the Article V of the Constitution of the State of Texas be amended so as to hereafter read as follows:

"Section 5. The Court of Criminal Appeals shall have appellate jurisdiction coextensive with the limits of the state in all criminal cases of whatever grade, with such exceptions and under such regulations as may be prescribed by law.

"The Court of Criminal Appeals and the Judges thereof shall have the power to issue the writ of habeas corpus, and under such regulations as may be prescribed by law, issue such writs as may be necessary to enforce its own jurisdiction. The Court of Criminal Appeals shall have power upon affidavit or otherwise to ascertain such matters of fact as may be necessary to the exercise of its jurisdiction.

The Court of Criminal Appeals may sit for the transaction of business at any time from the first Monday in October to the last Saturday in September in each year, at the State Capitol.



The Court of Criminal Appeals shall appoint a clerk of the court who shall give bond in such manner as is now or may hereafter be required by law, and who shall hold his office for a term of four years unless sooner removed by the court for good cause entered of record on the minutes of said court.

"The Clerk of the Court of Criminal Appeals who may be in office at the time when this Amendment takes effect shall continue in office for the term of his appointment."

Sec. 3. Said proposed Constitutional Amendment shall be submitted to a vote of the qualified electors of this state at an election to be held throughout the state on the first Tuesday after the first Monday in November, A.D. 1966, at which election each voter opposing said proposed Amendment shall scratch off the ballot with a pen or pencil the following words printed on said ballot:

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"AGAINST the Amendment to the State Constitution providing for a Court of Criminal Appeals of five members, and prescribing the term of said court."

If it appears from the returns of said election that a majority of the votes cast are in favor of said Amendment the same shall become a part of the Constitution of this state.

Sec. 4. The Governor shall issue the necessary proclamation for said election and have same published and said election shall be

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held as provided by the Constitution and laws of this state, and the sum of Five Thousand Dollars or so much thereof as is necessary is hereby appropriated out of any funds of the State of Texas not otherwise appropriated to pay for publishing the proclamation and holding said election.

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FORM A

(For favorable and unfavorable reports on bills and resolutions, where no committee amendments are recommended.)

COMMITTEE REPORT

Date 4-27-65

HON. BEN BARNES

Speaker of the House of Representatives.

Sir:

We, your Committee on Constitutional Amendments, to whom was referred S.J.R. No. 26, have had the same under consideration

and beg to report back with recommendation that it { do } pass, and be printed

Allen  
Chairman.

(When this form is used for a favorable report on a general bill the words "do not" are marked out. If the bill is a local bill the word "not" should be inserted before the word "printed." When used for an unfavorable report the word "do" is marked out, the comma after "pass" is changed to a period, and the remaining words also marked out.

When this form is used for a simple or concurrent resolution the comma after "pass" should be a changed to a period and the remaining words stricken out because resolutions are printed in the Journal when first introduced.)

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"The Judges of the Court of Criminal Appeals who may be in office at the time when this Amendment takes effect shall become Judges of the Court of Criminal Appeals and continue in office until the expiration of the term of office for which each has been elected or appointed under the present Constitution and laws of this state, and until his successor shall have been elected and qualified.

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If it appears from the returns of said election that a majority of the votes cast are in favor of said Amendment the same shall become a part of the Constitution of this state.

Sec. 4. The Governor shall issue the necessary proclamation for said election and have same published and said election shall be

S. J. R. No. 26

held as provided by the Constitution and laws of this state.

\_\_\_\_\_  
Lieutenant Governor  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S. J. R. No. 26 passed the Senate on  
April 13, 1965, by the following vote: Yeas 30, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S. J. R. No. 26 passed the House on  
May 5, 1965, by the following vote: Yeas 122, Nays 9.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

5-21-65  
Date

*signed*  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
8:30 O'CLOCK

MAY 24 1965

*Crawford C. Martin*  
Secretary of State

S.J.R.No. 26

By St. John  
Hardeman

A JOINT RESOLUTION

PROPOSING an Amendment to Sections 4 and 5 of Article V of the Constitution of the State of Texas to provide for a Court of Criminal Appeals of five members; prescribing their qualifications; elections, appointment, tenure of office and compensation; and prescribing the term of court of said Court.

**FEB 9 1965**

Read first time  
and referred to Committee  
on Constitutional Amendments

**MAR 31 1965**

Reported Favorably.

**APR 13 1965**

Regular order of business suspended by unanimous consent to permit consideration.

**APR 13 1965**

READ SECOND TIME, amended,  
AND ORDERED ENGROSSED

**APR 13 1965**

Senate Rule 32 and  
Constitutional Rule (Sec. 32, Art. III)  
suspended by a vote of 30 yeas,  
0 nays, to place bill on third  
reading and final passage.

**APR 13 1965**

READ THIRD TIME AND PASSED  
BY THE FOLLOWING VOTE:

Yeas 30 Nays 0

Charles Schnabel

Secretary of the Senate

1-14 19 Engrossed  
Engrossing Clerk

Subject to the provisions of  
Section 4, Article III, of  
the Constitution of the State  
of Texas



By: Hightower  
Hardeman

S. J. R. No. 26

A JOINT RESOLUTION

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2-9-65 Read first time and referred to Committee on Constitutional Amendments.

3-31-65 Reported favorably.

4-13-65 Regular order of business suspended by unanimous consent to permit consideration.

4-13-65 Read second time, amended and ordered engrossed.

4-13-65 Senate Rule 32 and Constitutional Rule (Sec. 32, Art. III) suspended by a vote of 30 Yeas, 0 Nays, to place bill on third reading and final passage.

4-13-65 Read third time and passed by the following vote:  
Yeas 30, Nays 0.

Charles Schnabel, Secretary of the Senate

4-14-65 Engrossed.

Subject to the provisions of  
Section 49A, Article III, of  
the Constitution of the State  
of Texas

Essie McGinnis  
ENGROSSING CLERK

APR 15 1965

SENT TO HOUSE

APR 15 1965

Received from  
the Senate.

Dorothy Hallman

Chief Clerk, House of Representatives

APR 20 1965

READ 1ST TIME

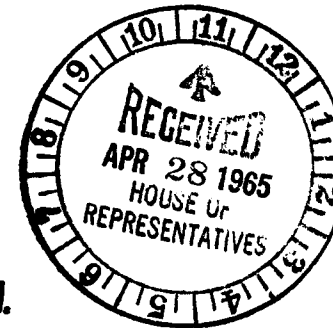
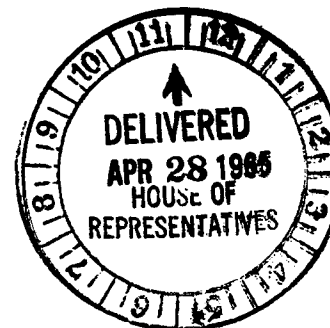
AND REFERRED TO COMMITTEE ON

Constitutional Amendments

APR 27 1965

REPORTED FAVORABLY

SENT TO PRINTER



A.M.

APR 28 1965

RETURNED FROM PRINTER. SENT TO SPEAKER

MAY 5 1965

Read Second Time and passed to  
third reading by vote 122 yeas, 9 noes.

*finally adopted.*

Dorothy Hallman

Chief Clerk, House of Representatives

MAY 5 1965

MOTION TO RECONSIDER THE VOTE BY  
WHICH APR 26 WAS  
ADOPTED / PASSED AND TO TABLE THE MOTION TO RECONSIDER  
SIDER PREVAILED PASSED BY A NON-RECORD VOTE OF  
AYES AND \_\_\_\_\_ NAYES  
Dorothy Hallman  
CHIEF CLERK HOUSE OF REPRESENTATIVES

MAY 5 1965

RETURNED TO SENATE

MAY 5 - 1965

RETURNED  
FROM HOUSE